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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,044	04/19/2004	Matthew J. Murray	2002-055	2743
54472	7590	12/15/2005	EXAMINER	
COATS & BENNETT/SONY ERICSSON			POPE, DARYL C	
1400 CRESCENT GREEN				
SUITE 300			ART UNIT	
CARY, NC 27511			PAPER NUMBER	
			2632	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>10/827,044</b>	Applicant(s) <b>MURRAY ET AL.</b>	
	Examiner <b>DARYL C. POPE</b>	Art Unit <b>2632</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-31 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,11-13,15,16,32,34,35,38,42-44,46 and 47 is/are rejected.
- 7) ☒ Claim(s) 2,5,8-10,14,33,36,37,39-41,45 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/9/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1,3-4,6-7,11-13,15-16,32,34-35,38,42-44, and 46-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Shahoian et al(6,693,622).**

-- In considering claims 1,32,34,38, and 44, the claimed subject matter that is met by Shahoian et al(Shahoian) includes:

- 1) the claimed electric motor is met by DC rotary motor(252);
- 2) the eccentric mass rotated by the motor and being radially movable to vary a distance between the mass and a rotational axis is met by the friction hub(254) and ring magnet(256) which act as an eccentric mass;
- 3) the varying the distance of the mass to vary the amount of the vibration is met(see: column 16, lines 8-52).

-- With regards to claims 3 and 46, the output shaft interconnecting the mass and the electric motor are met by the rotating shaft of the motor(252) as seen in figure 9B.

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-- With regards to claims 4,6-7,35, and 47, the biasing member to urge the mass towards the axis is the magnetic force as provided by magnet(256) which biases the position of the mass as desired in accordance with current flowing in the magnet.

-- With regards to claim 11, the controller that controls the vibration by controlling the distance of the mass from the axis is met by the microprocessor(26) which controls current flow in coil(268), thereby causing magnetic forces to move the ring(256) which respect to the friction hub(254) thereby controlling vibration(see: column 16, lines 24-33).

-- With regards to claim 12, the controller varying the speed of the motor is met(see: column 9, lines 35 et seq).

-- With regards to claims 13, and 42-43, the controller varying the strength of a magnetic field of an electromagnet is met(see: column 12, lines 24-33).

-- With regards to claim 15, the controller maintaining a desired rotational speed of the mass is met by the controller holding the angular velocity constant as the mass is moved in and out to change the magnitude(see: column 16, lines 43-45).

-- Claim 16 recites subject matter that is met as discussed in claim 1 above.

***Allowable Subject Matter***

3. Claims 2,8-10,14,33,36-37,39-41,45, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 17-31 are allowed.

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5. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is the inclusion of a vibrotactile haptic feedback device which utilizes an eccentric mass rotated about a rotational axis to vary the amount of vibration generated, wherein the distance between the mass and the axis of rotation is variable based on the rotational speed of the mass. As well, the prior art does not teach or suggest generating control signals for controlling vibration of the mass based on detected ambient noise level.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

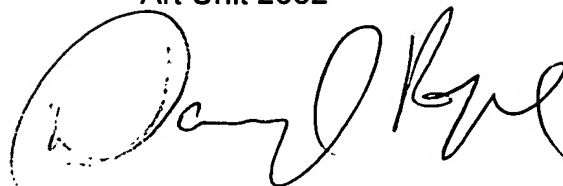
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Daryl C. Pope

Dec. 6, 2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope". The signature is fluid and cursive, with the first name "Daryl" being more prominent and the last name "Pope" following in a similar style. The signature is positioned below the printed name and title.